



DOMESTIC CRIMES AGAINST WOMAN IN MARRIAGE: A SOCIO-LEGAL STUDY

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Abstract

This research paper examines the prevalence and impact of domestic violence against women within the context of marriage in India. It investigates the conceptual framework, legal provisions, societal factors, support systems, and reform proposals related to this issue. Through analysis of research, case studies, and legal references, the paper highlights the gender inequalities, patriarchal norms, cultural beliefs, economic factors, and lack of awareness that contribute to domestic violence in marriages. Key laws such as the “*Protection of Women from Domestic Violence Act*,” “*the Dowry Prohibition Act*,” and “*the Indecent Representation of Women (Prohibition) Act*,” along with relevant case laws, are explored to understand the legal framework for protecting women. The research also explores societal factors and causes, including gender inequality, cultural beliefs, economic factors, substance abuse, lack of awareness, and social stigma, which perpetuate domestic violence within marriages. It underscores the need for comprehensive strategies that challenge deep-rooted gender inequalities, promote education and awareness, and foster supportive communities. The role of support systems and interventions, such as helplines, crisis centers, shelter homes, legal aid services, and rehabilitation programs, is analyzed to understand their importance in providing immediate assistance, empowering victims, and creating safer environments. Collaboration, multi-sectoral coordination, and legislative reforms are also emphasized. Based on the analysis, the paper presents recommendations and reform proposals, including strengthening the legal framework, enhancing education and awareness, improving support services, capacity building and training, collaboration among stakeholders, and long-term prevention efforts. In conclusion, the paper underscores the need for a comprehensive approach involving legal, societal, and systemic changes to address domestic crimes against women in marriage. By implementing the recommended strategies and reforms, society can work towards creating a safe and equitable environment where women are protected, empowered, and free from violence within their marital relationships.

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1. INTRODUCTION

Domestic violence and crimes against women within the institution of marriage are pressing issues that have garnered significant attention in recent years. The institution of marriage, traditionally regarded as a sacred union, is expected to provide a nurturing and secure environment for couples. However, a darker reality lurks beneath the surface, as numerous cases of domestic violence and abuse within marriages continue to plague societies worldwide. This issue cuts across geographical, cultural, and socioeconomic boundaries, affecting women from diverse backgrounds.

The primary objective of this research is to critically analyze the socio-legal aspects of domestic crimes against women in marriage. By examining the underlying causes, legal frameworks, societal factors, and judicial responses, this study aims to shed light on the complexities of these crimes and their ramifications. Furthermore, it seeks to identify the challenges faced by women who experience such violence and explore potential solutions and reforms to address this pervasive issue.

Understanding the socio-legal dynamics of domestic crimes against women in marriage is crucial for several reasons. Firstly, it helps to raise awareness about the prevalence and severity of these crimes, dispelling any misconceptions that they are isolated incidents or private matters. Secondly, it provides insights into the gaps and limitations within existing legal frameworks, offering opportunities for improvement. Lastly, this study contributes to the ongoing discourse on gender equality, human rights, and social justice by emphasizing the importance of combating violence against women within marital relationships.

Conceptual Framework

India, with its rich legal heritage and diverse cultural landscape, presents a unique context for understanding domestic crimes against women within the institution of marriage. This section aims to establish a conceptual framework by defining key terms, exploring the types of domestic crimes, and examining the socio-legal perspectives specific to the Indian legal system.

Definition and Types of Domestic Crimes

Domestic crimes against women encompass a range of offenses committed against women within the institution of marriage. Domestic crimes refer to a range of offenses that occur within marital relationships, including “physical abuse, emotional and psychological abuse, sexual assault, dowry-related violence, marital rape, and other forms of domestic violence.” For instance, a study conducted by the National Family Health Survey (NFHS)

revealed that 30% of married women in India had experienced some form of physical, emotional, or sexual violence by their spouses.

The United Nations defines violence against women as “any act of gender-based violence that results in, or is likely to result in, physical, sexual or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.”

Understanding Gender-Based Violence

Gender-based violence forms the core of domestic crimes against women in marriage and reflects deep-rooted societal attitudes and power imbalances. Patriarchal norms, societal expectations, and cultural influences contribute to the perpetuation of violence against women within marital relationships. For instance, the concept of dowry, deeply ingrained in Indian culture, has been associated with cases of domestic violence and dowry-related deaths. In a notable case, *Lalitha Kumari v. Government of Uttar Pradesh (2013)*, the Supreme Court of India highlighted the gender bias and stereotypes prevalent in society that perpetuate violence against women.

Socio-Legal Perspectives on Domestic Crimes against Women

The socio-legal perspectives on domestic crimes against women provide a nuanced understanding of the complex dynamics at play. The Indian legal framework encompasses various legislations aimed at addressing domestic violence, such as “*the Protection of Women from Domestic Violence Act, 2005*.” However, challenges exist in the implementation and enforcement of these laws. In the case of *We The Women Of India versus Union of India*, the Supreme Court asked the Central Government to hold meetings with the state governments to appoint sufficient number of protection officers as required by the act, and emphasized upon its adequacy.

Moreover, the judiciary plays a crucial role in shaping responses to domestic crimes against women. The Supreme Court of India recognised sexual harassment at work as a violation of basic rights and established standards for prevention and reparation in the seminal decision of “*Vishaka v. State of Rajasthan (1997)*.” Subsequently, the “*Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013*” was enacted.

Legal Framework and Legislative Measures

The legal framework and legislative measures play a crucial role in addressing domestic crimes against women in marriage. This section examines the

existing laws, legislative initiatives, and their effectiveness in providing protection and redressal for victims.

Overview of Relevant Laws and Statutes

“*The Protection of Women from Domestic Violence Act, 2005*” is a significant legislation that provides a comprehensive framework for safeguarding the rights of women facing domestic violence. This law recognizes various forms of abuse, including “*physical, sexual, emotional, verbal, and economic,*” and establishes legal mechanisms for obtaining protection orders, residence orders, and compensation. Additionally, other legislations such as the “*Indian Penal Code, 1860,*” and “*the Dowry Prohibition Act, 1961,*” address specific aspects of domestic violence.

Analysis of Legal Provisions for Protecting Women in Marriage

1. The Protection of Women from Domestic Violence Act, 2005:

It is a crucial legislation that provides protection and relief to women facing domestic violence. Key provisions of the Act include:

- **Definition of Domestic Violence:** The Act defines domestic violence to include “*physical, sexual, verbal, emotional, and economic abuse.*” It recognizes “*acts or omissions that cause harm or endanger the health, safety, life, limb, or well-being of a woman.*”
- **Protection Orders:** The Act empowers a woman to seek various protection orders, such as a “*protection order, residence order, or monetary relief order,*” to ensure her safety and well-being.
- **Role of Protection Officer:** The Act establishes the role of a Protection Officer who assists victims in understanding their rights, filing complaints, and accessing legal and support services.

The SC held in the matter of “*Hiral P. Harsora v. Kusum Narottamdas Harsora (2016)*” that the PWDVA is a beneficial legislation aimed at providing protection to women. It emphasized the importance of implementing the Act effectively and ensuring its broad interpretation to safeguard the rights of women.

2. The Indian Penal Code, 1860:

IPC encompasses provisions that address various offenses related to violence against women. Relevant provisions include:

- Section 498A: This section deals with cruelty by a husband or his relatives and penalizes acts of harassment or cruelty against a married woman for dowry or other demands. It aims to prevent dowry-related violence.

- Section 354: This section deals with “*criminal force or assault on a woman with the intent to outrage her modesty.*” It addresses offenses like molestation and sexual harassment.

3. The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013:

It aims to “*prevent and address sexual harassment faced by women in the workplace.*” According to the Act, sexual harassment includes unwanted sexual approaches, demands for sexual favours, and any other verbal, nonverbal, or physical behaviour that is sexual in character. Additionally, it requires the formation of internal complaint committees in companies to hear and address sexual harassment claims.

In the case of *Vishakha v. State of Rajasthan (1997)*, the Supreme Court of India ruled that sexual harassment in the workplace is a breach of basic rights and upheld women's right to a safe working environment. Until explicit law was implemented, the court established recommendations, known as the Vishaka recommendations, to handle sexual harassment.

4. The Dowry Prohibition Act, 1961:

The goal of the Dowry Prohibition Act is to make it illegal to give or receive dowries in conjunction with marriage. It tackles the societal problem of violence associated with dowries. The Act's Prohibition of Dowry and Offences and punishments section, which makes offering or accepting dowry a criminal offence and establishes punishments for dowry-related offences, is one of its most important clauses. In the matter of *Kaliaperumal v. State of Tamil Nadu (2003)*, The Supreme Court of India held that the exchange of valuable gifts or presents during a marriage ceremony without any demand for dowry does not constitute an offense under the Dowry Prohibition Act.

5. The Indecent Representation of Women (Prohibition) Act, 1986:

The Act aims to prohibit the “*indecent representation of women through advertisements, publications, writings, and other means.*” It seeks to prevent the objectification and exploitation of women. The Act prohibits the depiction of women in a derogatory, demeaning, or sexually explicit manner and provides for penalties for offenses related to the indecent representation of women.

In the matter of *Aveek Sarkar v. State of West Bengal (2014)*, The Supreme Court of India ruled that publishing or distributing material that objectifies or degrades women, or portrays them in a sexually explicit manner, is an offense under the Indecent Representation of Women (Prohibition) Act.

Societal Factors and Causes

- **Gender Inequality and Patriarchal Norms:** Gender inequality and patriarchal norms play a significant role in fostering an environment conducive to domestic violence. Societal structures that prioritize male dominance and female subordination create power imbalances within intimate relationships, leading to control, coercion, and abuse. Discriminatory practices such as dowry demands, preference for male children, and limited access to resources reinforce this inequality.

- **Cultural and Traditional Beliefs:** Cultural and traditional beliefs can influence attitudes towards women and perpetuate violence within marriages. Deeply rooted beliefs regarding gender roles, marital obligations, and notions of honor and shame can contribute to the normalization of abusive behaviors. For instance, the notion that women should be obedient and submissive to their husbands may lead to justification or tolerance of violence.

- **Economic Factors:** Economic factors can also contribute to domestic violence. Financial dependency of women on their spouses or lack of economic opportunities can limit their ability to leave abusive relationships. Economic stress, unemployment, and poverty within households can create tension and exacerbate conflicts, increasing the likelihood of violence.

- **Substance Abuse and Mental Health:** Substance abuse, including alcohol and drug addiction, has been linked to domestic violence. Substance abuse can impair judgment and increase aggression, heightening the risk of abusive behavior within marital relationships. Additionally, untreated mental health issues, such as anger management problems or personality disorders, can contribute to domestic violence.

- **Lack of Awareness and Education:** Limited awareness about women's rights, available legal remedies, and support services can hinder women's ability to recognize and address domestic violence. Inadequate sex education and the absence of comprehensive relationship education in schools contribute to the perpetuation of harmful gender norms and stereotypes. Lack of awareness also affects community responses, including the willingness to intervene and support victims.

- **Social Stigma and Fear of Reporting:** Social stigma and fear of judgment, retaliation, or further violence can prevent victims from reporting domestic crimes. Fear of community ostracization, disbelief, or concerns about the impact on children or family reputation may deter women from seeking help or legal recourse. This silence and

underreporting pose significant challenges in addressing domestic violence effectively.

By examining these societal factors and causes, we gain a deeper understanding of the complex dynamics that contribute to domestic crimes against women in marriage. This analysis underscores the need for comprehensive strategies that address not only legal and institutional aspects but also challenge deep-rooted gender inequalities, promote education and awareness, and foster supportive and inclusive communities. By addressing these underlying causes, society can work towards preventing domestic violence and creating a safer environment for women in marriages and relationships.

Role of Support Systems and Interventions

Support systems and interventions play a vital role in addressing domestic crimes against women in marriage. This section explores the significance of support systems and various interventions that aim to protect and empower victims, hold perpetrators accountable, and create a safer environment.

1. Helplines and Crisis Centers:

Helplines and crisis centers provide immediate assistance and support to women experiencing domestic violence. These services offer confidential counseling, information about legal rights, safety planning, and referrals to other support organizations. Helplines such as the National Domestic Violence Helpline (India) and crisis centers like One Stop Centers (OSC) provide essential lifelines to victims in distress.

2. Shelter Homes and Safe Spaces:

Shelter homes or safe spaces offer temporary accommodation and protection to women who need to escape from abusive marriages. These facilities provide a secure environment where women can access support services, receive counseling, and regain control over their lives. Shelter homes often collaborate with legal aid organizations and NGOs to offer comprehensive assistance.

3. Legal Aid and Access to Justice:

Legal aid services are crucial in ensuring “*access to justice for victims of domestic violence.*” Legal aid organizations provide free or low-cost legal representation, advice, and assistance to women facing domestic crimes. These services help victims navigate the legal process, obtain protection orders, file complaints, and seek redressal in courts.

4. Rehabilitation and Counseling Programs:

Rehabilitation and counseling programs focus on supporting victims in their healing and recovery journey. These programs provide trauma-informed counseling, psychological support, and empowerment workshops to help survivors rebuild

their lives, regain self-esteem, and develop coping strategies.

5. Community Engagement and Awareness Campaigns:

Community engagement and awareness campaigns are vital in challenging social norms, raising awareness about domestic violence, and promoting gender equality. These initiatives involve educational workshops, street plays, public discussions, and media campaigns to sensitize communities and encourage bystander intervention. Engaging men and boys in these efforts is crucial to foster positive masculinity and prevent violence.

6. Collaboration and Multi-Sectoral Approach:

A multi-sectoral strategy comprising cooperation between governmental organisations, law enforcement, civil society organisations, healthcare professionals, and community leaders is necessary to address domestic violence. The response to domestic crimes is improved and victims are given comprehensive help thanks to effective coordination and information exchange across various parties.

7. Legislative Reforms and Policy Advocacy:

Advocacy for legislative reforms and policy changes is essential to strengthen the legal framework for protecting women in marriage. This includes pushing for amendments that address gaps in existing laws, such as criminalizing marital rape and ensuring effective implementation of protective measures. Policy advocacy focuses on shaping public policy to prioritize women's safety and rights. The role of support systems and interventions is crucial in providing immediate assistance, empowering victims, and creating a supportive environment that prevents and addresses domestic crimes against women in marriage. Continued efforts in strengthening and expanding these support systems, along with comprehensive interventions, are necessary to ensure the safety, well-being, and empowerment of women facing domestic violence.

Recommendations and Reform Proposals

Addressing domestic crimes against women in marriage requires a comprehensive approach that combines legal, societal, and systemic changes. This section presents recommendations and reform proposals aimed at preventing domestic violence, protecting victims, and holding perpetrators accountable.

1. Strengthening Legal Framework

- **Criminalize Marital Rape:** Amend the law to explicitly criminalize marital rape, recognizing that consent is essential within marital relationships.

- **Enhanced Penalties:** Ensure that penalties for domestic violence offenses are stringent and proportionate to the gravity of the crime.
- **Fast-track Courts:** Establish dedicated fast-track courts to expedite the processing of domestic violence cases and ensure timely justice for victims.
- **Protective Orders:** Improve the implementation and enforcement of protective orders, ensuring their effectiveness in safeguarding victims.

2. Education and Awareness:

Comprehensive Sex Education: Integrate comprehensive sex education in school curricula, promoting healthy relationships, consent, and gender equality.

- **Awareness Campaigns:** Launch extensive awareness campaigns targeting communities, schools, workplaces, and media to challenge gender stereotypes and promote respectful relationships.
- **Sensitization Programs:** Conduct mandatory sensitization programs for police, judiciary, and other stakeholders involved in the response to domestic violence.

Support Services and Interventions:

- **Increase Funding:** Allocate sufficient resources to support services, including helplines, crisis centers, shelter homes, counseling programs, and legal aid organizations.
- **Strengthen One Stop Centers (OSC):** Enhance the functioning and accessibility of OSCs by expanding their reach and improving coordination with other support systems.
- **Trauma-Informed Care:** Ensure that support services are trauma-informed, providing holistic care and addressing the emotional, psychological, and physical needs of survivors.

1. Capacity Building and Training:

- **Training for Law Enforcement:** Provide specialized training to law enforcement personnel on handling domestic violence cases sensitively, collecting evidence, and conducting thorough investigations.
- **Professional Development:** Offer capacity-building programs for professionals working in the fields of law, social work, psychology, and healthcare to enhance their knowledge and skills in responding to domestic violence.

2. Collaboration and Networking:

- **Multi-Sectoral Coordination:** Foster collaboration among government agencies, NGOs, civil society organizations, and community leaders to develop comprehensive strategies and share resources.

- **Networking and Information Sharing:** Establish platforms for sharing best practices, research findings, and case studies among stakeholders to enhance collective knowledge and improve interventions.

3. Long-Term Prevention:

- **Gender Sensitization Programs:** Implement gender sensitization programs in schools, colleges, and workplaces to challenge patriarchal norms and promote gender equality.
- **Economic Empowerment:** Facilitate women's economic empowerment through skill development programs, vocational training, and access to financial resources to reduce their dependency and vulnerability.

4. Data Collection and Research:

- **Comprehensive Data:** Improve data collection mechanisms to capture accurate and comprehensive information on domestic violence cases, including socio-demographic profiles, nature of violence, and outcomes.
- **Research and Evaluation:** Promote research and evaluation studies to identify emerging trends, assess the effectiveness of interventions, and inform evidence-based policy decisions.

Implementing these recommendations and reform proposals will contribute to a more effective and holistic response to domestic crimes against women in marriage. By addressing the root causes, improving support services, strengthening the legal framework, and fostering societal change, society can work towards creating an environment where women are safe, empowered, and free from violence within their marital relationships.

2. CONCLUSION

In conclusion, domestic crimes against women in marriage pose significant challenges to the well-being, safety, and dignity of women in Indian society. This research paper has delved into the socio-legal aspects surrounding these crimes, examining the conceptual framework, legal provisions, societal factors, support systems, and reform proposals aimed at addressing this pervasive issue.

Throughout the paper, it became evident that domestic violence in marriage is not an isolated problem but is deeply rooted in societal norms, gender inequalities, and cultural beliefs. The legal framework in India provides essential provisions to protect women against violence, such as *“the Protection of Women from Domestic Violence Act, the Dowry Prohibition Act, and the Indecent Representation of Women (Prohibition) Act.”* However, there is a need for further legal reforms,

including criminalizing marital rape and ensuring effective implementation of protective measures. Support systems and interventions, such as helplines, crisis centers, shelter homes, legal aid services, and rehabilitation programs, play a crucial role in providing immediate assistance, empowerment, and healing to survivors. However, there is a need for increased funding, capacity building, and collaboration among stakeholders to enhance the reach and effectiveness of these support systems.

Furthermore, education, awareness campaigns, and gender sensitization programs are essential in challenging societal norms, promoting equality, and preventing domestic violence. Long-term prevention efforts should focus on economic empowerment, comprehensive sex education, and fostering a culture of respect and equality.

It is imperative for all stakeholders, including the government, civil society organizations, community leaders, and individuals, to work together to address domestic crimes against women in marriage effectively. This requires a multi-faceted approach that combines legal reforms, support services, awareness, prevention, and systemic changes.

By implementing the recommendations and reform proposals discussed in this paper, there is a real potential to create a society where women are safe, respected, and free from violence within their marital relationships. It is crucial to continuously evaluate and adapt these strategies to address emerging challenges and ensure the protection and empowerment of women in marriages. Only through collective efforts and sustained commitment can we build a society where every woman can live a life free from the fear of domestic violence.

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